

REMARKS

As requested in the accompanying Request for Change of Correspondence Address, applicant requests that future correspondence regarding this application be directed as follows:

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Claims 1-27 are pending. Claims 1, 7, 19, 21, and 24 have been amended. Claims 26 and 27 have been added. No new matter has been introduced. Applicants respectfully request reconsideration of the application.

In the February 12, 2003 Office Action, the Examiner rejected claims 1-25. Claims 1, 2, 5-8, 10-13, 17, and 19-25 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,979,757 to Tracy et al. ("Tracy"). Claims 3, 4, 9, and 14-16 were rejected under 35 U.S.C. §103(a) as being obvious over Tracy in view of U.S. Patent No. 6,129,274 to Suzuki ("Suzuki"). Claim 18 was rejected under 35 U.S.C. §103(a) as being obvious over Tracy in view of the Examiner's Official Notice. These rejections are respectfully traversed.

Claim 7 was objected to for containing the phrase "capable of". Applicant have amended claim 7 to remove this phrase, per the Examiner's request, and respectfully submit that the Examiner's objection to claim 7 is obviated.

Embodiments of the present invention are directed to a method for a handheld recommendation assistant. A handheld device reads product information of a product from a product tag. Consumer information is retrieved through a connection to a

consumer information storage device. The consumer information is associated with the product and is retrieved based at least in part on the product information. The consumer information includes information about the product. Personal information of a user is acquired relevant to at least one aspect of the product. A product recommendation is generated related to the product based at least in part on the personal information and the consumer information. The product recommendation is generated by the handheld recommendation assistant.

In the February 12, 2003 Office Action, the Examiner rejected claims 1, 2, 5-8, 10-13, 17, and 19-25 under 35 U.S.C. §102(b) as being anticipated by Tracy. The Examiner stated that Tracy discloses a system/method of a handheld recommendation assistant 70 comprising a barcode scanner reading product information from a product tag, retrieving consumer information through a connection to a consumer information storage device, acquiring personal information of a user, and generating a product recommendation list.

Claims 3, 4, 9, and 14-16 were rejected under 35 U.S.C. §103(a) as being obvious over Tracy in view of Suzuki. The Examiner stated that Tracy "fails to teach or fairly suggest that the personal information include[es] tailoring measurements, a color preference." However, the Examiner further stated that Suzuki teaches the above limitation and that it would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of Tracy and Suzuki, in the direction of claims 3, 4, 9, and 14-16.

Claim 18 was rejected under 35 U.S.C. §103(a) as being obvious by Tracy in view of Official Notice. The Examiner stated that Tracy "fails to teach or fairly suggest

the step of storing the product information in a machine readable form in the product tag; and attaching the product tag containing the machine readable product information to the product.” The Examiner took Official Notice that such step would have been obvious to a person of ordinary skill in the art at the time of the invention.

Independent claim 1, as amended, recites (with emphasis added):

1. **A method for a handheld recommendation assistant**, said method comprising:
 - reading, by a handheld device, product information of a product from a product tag;
 - retrieving consumer information through a connection to a consumer information storage device, said consumer information being associated with said product and being retrieved based at least in part on said product information, said consumer information including information about said product;
 - acquiring personal information of a user relevant to at least one aspect of said product; and
 - generating a product recommendation related to said product based at least in part on said personal information and said consumer information, the product recommendation being generated by the handheld recommendation assistant.**

Tracy discloses a method and system for presenting item information to a shopper using a portable data terminal. The shopper carries the portable data terminal around, as shown in FIG. 4. The portable data terminal is used to collect data from a coded label for a product. The coded label can include uniform resource locators (“URLs”) used to reference sites on the world wide web. [Col. 2, lines 42-45.] The “URLs are used by the portable terminal to retrieve data files including items such as prices, nutritional data, coupon availability, promotions, marketing data and general interest data from various local and remote addressed available over a wireless communication network.” [Col. 2, lines 45-49.] The shopper retrieves the portable terminal from a dispenser unit 230 after entering the store, as shown in FIG. 6. [Col. 7, lines 4-9.] The portable terminal communicates data with a central host 14 located

locally. “[T]he **central host** *retrieves data, processes information and retransmits data to portable terminals.*” [Emphasis added, col. 6, lines 1-3.] “[T]he central host 14 can also retrieve data from external sources such as IP addressable servers 40 and 50 through a wide area communication network.” [Col. 6, lines 5-7.] Each shopper “who uses the system has an associated file stored on the central host including a customer preference list.” [Col. 9, lines 6-8.] The system can also display price and nutritional data for products. [Col. 11, lines 45-46.] The central host can also deliver to the user’s email address a complete listing of available items in the store based on the user’s previously purchased items. [Col. 14, lines 49-54.]

Suzuki discloses a system and method for updating a shopping transaction history using an electronic personal digital shopping assistant. The digital assistant includes a data storage partition which stores “customer specific demographic information, including information related to that customer’s identity and status, and also ... information relating to a customer’s brand preferences and personal preference metrics, such as clothing size, colors, patterns, style and the like.” [Col. 4, lines 19-24.]

However, neither Tracy nor Suzuki, alone or in combination with the Examiner’s Official Notice, discloses, teaches or suggests a method for a handheld recommendation assistant, the method comprising reading, by a handheld device, product information of a product from a product tag, and generating a product recommendation related to said product based at least in part on said personal information and said consumer information, where *the product recommendation is generated by the handheld recommendation assistant.* Tracy, on the other hand, discloses a dumb portable terminal which reads a product ID, and then transmits the ID

to the central host 14, which processes the product ID, acquires any additional information concerning the product, and provides a price and nutritional data for the product to the user. Accordingly, Tracy teaches that the *central host 14* acquires and determines the price and nutritional data.

Independent claim 1, as amended, *specifies that the handheld recommendation assistant itself makes a recommendation to the user, rather than a central host*. This is a significant distinction, because the entire disclosure of Tracy is directed toward an embodiment involving use of a portable terminal which the user only uses when physically inside the store, and which is only for use at that one store. Moreover, the portable terminal could only be used at that one particular store because all of the processing is done by the central host for the store. The embodiment specified according to independent claim 1, as amended, however, could be used in any number of different stores, because the processing is performed by the handheld recommendation assistant itself. Accordingly, independent claim 1, as amended, distinguishes over Tracy, alone or in combination with Suzuki and/or Official Notice.

Claims 2-18, 26, and 27 all directly depend from independent claim 1, as amended, and therefore also distinguish over Tracy, alone or in combination with Suzuki and/or the Examiner's Official Notice, for reasons similar to those set forth above with respect to independent claim 1, as amended

Moreover, claim 3 further distinguishes over Tracy, alone or in combination with Suzuki and/or the Examiner's Official Notice. Claim 3 recites "[t]he method according to claim 1, wherein said product information includes a list of the ingredients of a product." Tracy discloses display of nutritional information, but it does not disclose,

teach, or suggest, acquisition of a list of the ingredients of a product. Acquiring the list of ingredients is useful for a shopper to help prevent a product which, for example, contains ingredients to which the customer is allergic. Accordingly, the display of nutritional information is far different than the acquisition of ingredients. Neither Suzuki nor the Examiner's Official Notice makes up for the deficiencies of Tracy. Therefore, claim 3 further distinguishes over Tracy, alone or in combination with Suzuki and/or the Examiner's Official Notice.

Claim 9 also further distinguishes over Tracy, alone or in combination with Suzuki and/or the Examiner's Official Notice. Claim 9 recites (with emphasis added): "[t]he method according to claim 1, wherein said consumer information includes *tailored measurements of a clothing product*." Tailored measurements can be very useful to the shopper because different clothing manufacturers often make different sized clothing for the same sized category (e.g., "medium size"). Because the user may wear a medium-sized shirt for some manufacturers, and a small-sized shirt for other manufacturers, the tailored measurements can be useful in making a recommendation to the customer. Providing such tailored measurements is not disclosed, taught, or suggested by Tracy, alone or in combination with Suzuki and/or the Examiner's Official Notice. Suzuki discloses storing a customer's size preference, but does not teach storing anything as specific as "tailored measurements". Therefore, claim 9 further distinguishes over Tracy, alone or in combination with Suzuki and/or the Examiner's Official Notice.

New claim 26 also further distinguishes over Tracy, alone or in combination with Suzuki and/or the Examiner's Official Notice. New claim 26 recites (with emphasis

added): “[t]he method according to claim 1, wherein the consumer information includes the product information *for multiple different stores*.” As discussed above, Tracy is directed toward use of a portable terminal within *one store*. Accordingly, it necessarily teaches away from use of product information for *multiple different stores*. Neither Suzuki nor the Examiner’s Official Notice makes up for the deficiencies of Tracy. Therefore, new claim 26 further distinguishes over Tracy, alone or in combination with Suzuki and/or the Examiner’s Official Notice.

New claim 27 also further distinguishes over Tracy, alone or in combination with Suzuki and/or the Examiner’s Official Notice. New claim 26 recites (with emphasis added): “[t]he method according to claim 1, the consumer information being *retrieved by the handheld device from multiple consumer information storage devices via multiple connections*.” Tracy discloses the central host 14 retrieving data from Internet resources 40 and 50 through a wide area communication network. [Col. 6, lines 5-7.] However, there is a single connection between the portable user terminal and the central server. Accordingly, Tracy does not disclose, teach, or suggest consumer information is *retrieved by the handheld device from multiple consumer information storage devices via multiple connections*. Neither Suzuki nor the Examiner’s Official Notice makes up for the deficiencies of Tracy. Therefore, new claim 27 further distinguishes over Tracy, alone or in combination with Suzuki and/or the Examiner’s Official Notice.

Independent claims 19, 21, and 24, each as amended, each contain limitations similar to those of independent claim 1, as amended, and therefore also distinguish over Tracy, alone or in combination with Suzuki and/or the Examiner’s Official Notice

for reasons similar to those set forth above with respect to independent claim 1, as amended. Claim 20 directly depends from independent claim 19, and therefore also distinguishes over Tracy, alone or in combination with Suzuki and/or the Examiner's Official Notice for the same reasons as those set forth above with respect to independent claim 19, as amended. Claims 22 and 23 directly depend from independent claim 21, and therefore also distinguish over Tracy, alone or in combination with Suzuki and/or the Examiner's Official Notice for the same reasons as those set forth above with respect to independent claim 21, as amended. Claim 25 directly depends from independent claim 24, and therefore also distinguishes over Tracy, alone or in combination with Suzuki and/or the Examiner's Official Notice for the same reasons as those set forth above with respect to independent claim 24, as amended.

Accordingly, for the reasons set forth above, applicants respectfully submit that the rejection of claims (a) 1, 2, 5-8, 10-13, 17, and 19-25 under 35 U.S.C. §102(b), and (b) 3, 4, 9, 14-16, and 18 under 35 U.S.C. §103(a) should be withdrawn.

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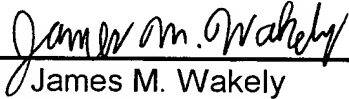
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Applicants believe that the foregoing amendments place the application in condition for allowance, and a favorable action is respectfully requested. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call either of the undersigned attorneys at the Los Angeles telephone number (213) 488-7100 to discuss the steps necessary for placing the application in condition for allowance should the Examiner believe that such a telephone conference would advance prosecution of the application.

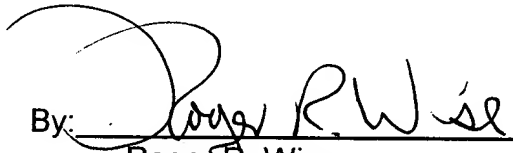
Respectfully submitted,

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